

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

THOMAS GESUALDI, LOUIS
BISIGNANO, DOMINICK MARROCCO,
ANTHONY PIROZZI, JOSEPH A.
FERRARA, SR., FRANK H. FINKEL,
MARC HERBST, DENISE RICHARDSON,
THOMAS F. CORBETT, and ATHONY
D'AQUILA, as Trustees and Fiduciaries of
the Local 282 Welfare Trust Fund, the Local
282 Pension Trust Fund, the Local 282
Annuity Trust Fund, the Local 282 Job
Training Trust Fund, and the Local 282
Vacation and Sick Leave Trust Fund,

Plaintiffs,

-against-

LORIANN TRUCKING CO., INC.,

Defendant.

x

BLOCK, Senior District Judge:

On July 27, 2012, Magistrate Judge Orenstein issued a report and recommendation ("R&R") recommending that judgment be entered against the defendant, Loriann Trucking Co., Inc., in the total amount of \$112,089.91. The R&R recited that "[a]ny objections to this Report and Recommendation must be filed no later than August 15, 2012," and that "[f]ailure to file objections within this period . . . waives the right to appeal the district court's order." R&R at 21-22. On July 30, 2012, the R&R was served on the defendant at its last known address. To date, no objections have been filed.

MEMORANDUM AND ORDER

Case No. 11-CV-5984 (FB) (JO)

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The Clerk shall enter judgment accordingly.

SO ORDERED.

FREDERIC BLOCK
Senior United States District Judge

August 29, 2012
Brooklyn, New York